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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,918	11/26/2001	Jessica Broussard	10014327-1	7574

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EXAMINER

BECK, ALEXANDER S

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,918

Applicant(s)

BROUSSARD, JESSICA

Examiner

Alexander S. Beck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Acknowledgement is made of the amendment filed by the Applicant on 02/17/2005, in which: the rejections of Claims 21-27 and 29 were traversed. **Claims 21-27 and 29** are currently pending in U.S. Application Serial No. 09/991,918, and an Office Action on the merits follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 21,22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Han (US 6,007,038, hereinafter "Han") in view of Brown et al. (US 5,872,892 A, hereinafter "Brown").

As to independent **Claim 21**, Han discloses a computer display that performs tilts and swivels with assistance of separate servomotors (column 1, lines 53-59). The difference that lies between the Han's and the applicant's invention is the input method. Han's invention concentrates on using a remote controller to adjust the display orientation where as the applicant utilizes a keyboard.

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The idea of using a computer keyboard to control the mechanical movement of computer-controlled systems is not unique. Brown in his invention teaches the use of a keypad or computer keyboard (300) to control mechanical movements (column 10, lines 49-50).

As one skilled in the art understands, the conventional input methods computer systems are computer keyboards. If one of ordinary skill in the art were to modify the functionality of the computer keyboard to accommodate the mechanical functions performed by the remote controller, the keyboard would be capable of controlling the mechanical movement of the computer monitor.

It would have been obvious to one skilled in the art to embed the mechanical movement controller with the computer keyboard because keyboards are the standard input devices of computer systems and combining the functionality of different controlling components will reduce the number of redundant auxiliary control devices.

As to **Claim 22**, it is shown in figure 1, items 71-74 and in column 4, lines 1-5, manual adjustment buttons are included in Han's invention.

As to **Claim 24**, it is apparent from Han's description that a remote controller is used to control the orientation of the monitor (column 3, lines 1-10).

4. **Claims 23,25,27 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Han (US 6,007,038) in view of Möller et al. (US 6,411,934 B1, hereinafter "Möller").

As to independent **Claim 25 and Claims 23 and 27**, Han discloses a computer display that performs tilts and swivels with assistance of separate servomotors (column 1, lines 53-59).

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Han's invention is similar to the one being claimed however his invention does lack the idea of including a voice recognition module that allows for the command of the display.

Möller on the other hand teaches the use of a voice recognition modular that translates vocal information into electrical signals used for the control of the actuating device (column 3, lines 8-17).

If one of ordinary skill in the art were to modify Han's invention by including Möller's voice input device (2.1, 2.2 and 2), since Han's invention already includes an actuating device, the resultant embodiment would resemble the claimed.

It would have been obvious to one skilled in the art include Möller's control unit into Han's invention to allow hands-free control of the position of the monitor.

As to **Claim 29**, it is apparent from Han's description that a remote controller is used to control the orientation of the monitor (column 3, lines 1-10).

5. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Han (US 6,007,038 A) and Möller (US 6,411,934 B1) as applied to claim 25 above, and further in view of Brown (US 5,872,892 A).

As to **Claim 26**, all of the claim limitations have already been discussed and met by references Han, Möller and Brown, as detailed in the above paragraphs regarding Claims 25 and 21.

Response to Arguments

6. Applicant's arguments filed 02/17/2005 have been fully considered but they are not persuasive.

7. In response to Applicant's argument that Brown is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In the instant case, the teachings of Brown are reasonably pertinent to the particular problem with which the Applicant was concerned. The Applicant states in the background of the invention, that the problem of the prior art is that a display of a computer may not be easily adjusted if the display is not within easy reach of the user (*see pg 2-3, par [0005]*). Han teaches/suggests every limitation of independent Claim 21, with the exception of display swivel/tilt commands being sent from a keyboard. Rather, in one embodiment, Han discloses the buttons **71-74** for activating swivel/tilt commands being positioned on the display itself (*see Han: FIG. 1*), thus requiring the display of the computer to be within easy reach of a user. In order to solve the particular problem with which the Applicant was concerned, which is to allow a user to control physical movement of a display while not being within easy reach of the display, one of ordinary skill in the art would search for any art pertinent to remotely controlling physical movement of a device. Brown solves this particular problem by teaching/suggesting remotely controlling the physical movement of a device **32** through the use of a keyboard **21** (*see Brown: col 10, ln 48-52*). Furthermore, Han is directed at remotely controlling the physical movement of a display device via the use of a remote controller. Analogous art is not limited to

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the physical movement of display devices, but rather encompasses art that teaches remotely controlling the physical movement of a device, such as Brown. For at least the reasons stated above, references Han and Brown are analogous.

8. In response to Applicant's argument that there is no teaching/suggestion or motivation in Brown to have modified the Han apparatus as alleged in the Office Action, it has been held that there is no requirement that an "express, written motivation to combine must appear in prior art references before a finding of obviousness." See *Ruiz v. A.B. Chance Co.*, 357 F.3d 1270, 1276, 69 USPQ2d 1686, 1690 (Fed. Cir. 2004). For example, motivation to combine prior art references may exist in the nature of the problem to be solved (*Ruiz* at 1276, 69 USPQ2d at 1690) or the knowledge of one of ordinary skill in the art (*National Steel Car v. Canadian Pacific Railway Ltd.*, 357 F.3d 1319, 1338, 69 USPQ2d 1641, 1656 (Fed. Cir. 2004)).

In the instant case, the nature of the problem to be solved, as stated by the Applicant in the background of the invention, is that a display of a computer may not be easily adjusted if the display is not within easy reach of the user (*see pg 2-3, par [0005]*). Han teaches/suggests every limitation of independent Claim 21, with the exception of display swivel/tilt commands being sent from a keyboard. Rather, in one embodiment, Han discloses the buttons **71-74** for activating swivel/tilt commands being positioned on the display itself (*see Han: FIG. 1*), thus requiring the display of the computer to be within easy reach of a user. Brown solves the nature of the problem above by teaching/suggesting remotely controlling the physical movement of a device **32** through the use of a keyboard **21** (*see Brown: col 10, ln 48-52*). Furthermore, Han is directed at remotely controlling the physical movement of a device via the use of a remote controller. Brown is also directed towards remotely controlling the physical movement of a device. For at least the

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reasons stated above, references Han and Brown are combinable as indicated in the detailed Office Action.

9. In response to Applicant's argument that there is no teaching/suggestion or motivation in Möller to have modified the Han apparatus as alleged in the Office Action, it has been held that there is no requirement that an "express, written motivation to combine must appear in prior art references before a finding of obviousness." See *Ruiz v. A.B. Chance Co.*, 357 F.3d 1270, 1276, 69 USPQ2d 1686, 1690 (Fed. Cir. 2004). For example, motivation to combine prior art references may exist in the nature of the problem to be solved (*Ruiz* at 1276, 69 USPQ2d at 1690) or the knowledge of one of ordinary skill in the art (*National Steel Car v. Canadian Pacific Railway Ltd.*, 357 F.3d 1319, 1338, 69 USPQ2d 1641, 1656 (Fed. Cir. 2004)).

In the instant case, the nature of the problem to be solved, as stated by the Applicant in the background of the invention, is that a display of a computer may not be easily adjusted if the display is not within easy reach of the user (*see pg 2-3, par [0005]*). Han teaches/suggests every limitation of independent Claim 25, with the exception of display swivel/tilt commands being sent by speech input and received by a voice recognition module. Rather, in one embodiment, Han discloses the buttons **71-74** for activating swivel/tilt commands being positioned on the display itself (*see Han: FIG. 1*), thus requiring the display of the computer to be within easy reach of a user. Möller solves the nature of the problem above by teaching/suggesting remotely controlling the physical movement of a device **4** through speech input that is received by a voice recognizing module **2,2.1,2.2** (*see Möller: col 3, ln 8-17*). Furthermore, Han is directed at remotely controlling the physical movement of a device via the use of a remote controller. Möller is also directed towards remotely controlling the physical movement of a device. For at least the

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reasons stated above, references Han and Möller are combinable as indicated in the detailed Office Action.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Alexander S. Beck** whose telephone number is **(571) 272-7765**. The examiner can normally be reached on M-F, 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Sumati Lefkowitz** can be reached on **(571) 272-3638**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

asb



KENT CHANG
PRIMARY EXAMINER